

THE CAPTAIN

Important Decision by Judge Underwood
in the United States District Court.The President's Proclamation Does Not
Restore the Habeas Corpus.Orders from the War Department
Declaring Military Law Still in
Force in the South.Sale of Liquor Prohibited in the Capital
Building.Reimbursement of Missouri for
War Expenses.Nearly Seven Million Dollars Appropriated
for the Purse.

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WASHINGTON, April 11, 1866.

IMPORTANT DECISION BY JUDGE UNDERWOOD—THE
PRESIDENT'S PROCLAMATION DOES NOT RESTORE
THE HABEAS CORPUS.

A decision of great importance was made to-day by Judge Underwood, of the United States District Court for Virginia, sitting in Alexandria. Thomas Gravin was tried some time since before the Provost Judge under the Freedmen's Bureau law for assaulting and injuring a negro boy, found guilty and sentenced to pay five hundred dollars damages to the boy and to be imprisoned until the damages were paid. The sentence was approved by General Augur, commanding the military district. Application for a writ of habeas corpus was made out by Gravin's counsel, under the supposition that the President's proclamation restored that writ and set aside the operations of the Freedmen's Bureau Court. The prisoner was brought before Judge Underwood, the case being argued for six hours, and a decision rendered that the President's proclamation did not restore the writ of habeas corpus. It was rumored that if this decision had been in Gravin's favor a similar application would have been made in the case of Jeff Davis.

MILITARY LAW STILL TO BE ENFORCED IN THE
SOUTH BY THE WAR DEPARTMENT.

An order has been issued by the War Department to all the assistant commissioners of Freedmen in the Southern States instructing them to inform the people that the recent proclamation of the President did not release them from the operations and government of military law. It is cautiously worded, and, while not declaring martial law, is far throughout the late instructional law, is recalled and intended to create the popular impression that such is the fact. The order is kept close, and not allowed to be given out for publication.

THE NEW TAX LAW.

No one but the Sub-Committee of the Ways and Means and Chairman of the Revenue Commission have yet seen a complete list of articles proposed to be exempt from taxation. Consequently all lists of exemptions heretofore sent out and published are incorrect and incomplete. The list is known to embrace a great many articles not hitherto specified. It is not expected the bill will be reported this week. There are still some important questions to be considered by the committee before it will be ready for legislative action.

THE NEW YORK COLLECTORSHIP.

The President has not yet appointed a customs collector for the port of New York, and there is reason to believe that expense on this subject will soon be removed.

THE CIVIL RIGHTS BILL.

The enrolled Civil Rights bill was last night filed at the State Department, and will to-morrow be officially published as law.

TESTIMONY BEFORE THE RECONSTRUCTION COM-
MITTEE.

Mr. Thomas M. Cook, editor of the Wilmington (N. C.) Herald, was examined at great length by the Reconstruction Committee to-day. The chief interest attaching to the testimony of this witness was his exposition of affairs in Richmond immediately upon the surrender of Lee's army, including the circumstances attending President Lincoln's visit to that city, embracing facts communicated to the New York Herald at the time of his visit.

Mr. Cook testified to the propositions submitted by President Lincoln to Judge Campbell looking to an adjustment of the relations of the South to the Union, in which Mr. Lincoln suggested three points as essential to peace—First, the disbandment of the rebel army; second, the full submission of the Southern people to the authority of the United States; and, third, no statement by the Executive from his position on the emancipation of the slaves. This was submitted to Judge Campbell, in Richmond, a few days after the rebel evacuation of that city, and was subsequently claimed and suppressed by the military authorities transmitted from Washington. It was the more important for its added paragraph, in which the President declared that any propositions not inconsistent with the foregoing should be received and considered in a spirit of kindness and liberality; also that those who immediately accepted these terms would place themselves in a condition to avoid the operations of the confiscation law, the execution of which was optional with the President. Mr. Cook also testified at length in regard to the call issued under permission of General Weitzel for the assembling of the Virginia Legislature, showing that the original authority for the meeting of that body was given by President Lincoln in a note addressed to General Weitzel from City Point on the day following the President's visit to Richmond, and was granted in response to a request to that effect emanating from Judge Campbell. On Mr. Lincoln's return to Washington, this permit was revoked, but the suppression of the circumstances had tended hitherto to impress the public mind with the opinion that General Weitzel was responsible for the call of this Legislature. The testimony of Mr. Cook is conceded to have established the fact that Mr. Lincoln, to the extent that his policy of reconstruction had been developed at the time of his death, was even more conservative and more liberally disposed towards the South than has been his successor. It should be stated that Mr. Cook spent six weeks in Richmond in the investigation of the matters of which he testifies, immediately upon their occurrence, having been assigned to that special duty by the New York Herald. He is therefore a competent witness. He was also examined in regard to the operations of forcing in North Carolina. He considered the people of that State, with perhaps an occasional insignificant exception, perfectly loyal in their impulses. There is no intention or disposition among those who were accessories to renew the attempt to secede from the Union. Neither does he think that in the event of a foreign war any portion of the people of that State would join the common enemy. He did not remember of having heard, during a residence of over a year in the State, of any contemptuous expressions towards the government or any branch of it. Occasionally individual members of Congress would be severely denounced elsewhere, but such denunciations were by no means applied to-day as a whole. He did not believe the people of North Carolina were ready or willing to treat the freedmen fully as equals, they were willing to admit him to testify in cases where he was a party in interest, to sue and be sued, hold, convey and bequeath real estate, &c.; but they would not permit him to sit in the jury box, vote or hold office. The people were willing that the negroes should be educated, but were opposed to the efforts of Northern missionaries to that effect, because of the disposition of such missionaries to interfere with the peaceful relations of servant and employer. In reply to a question the witness stated that he did not believe the Southern white people were yet prepared to undertake the education of blacks, but he thought they were coming to it. In reply to another question he stated that he believed a Southern jury would pass honestly and fairly upon the case of any negro that should be brought before it. The recent case of the judicial fugitive of seamen in the streets of Wilmington did not disprove this. There are no prejudices in North Carolina, and, for the most part, whether committed by blacks or whites, are punishable by whipping, branding and flogging. In the case referred to, both the

prisoners been whips the Court would have been compelled, under the laws of the State, to sentence them to be whipped.

Alexander H. Stephens appeared as a witness before the Committee on Reconstruction to-day, and will conclude his testimony to-morrow as to the condition and disposition of the people of the South. It is said that he was very deliberate and careful in all of his replies to the questions asked, and that his testimony is of an interesting character. He will this week return to Georgia.

GENERAL GRANT FINED FOR FAST DRIVING.

General Grant to-day acknowledged the service of a warrant for fast driving, and appeared before the Justice of the Peace and paid the fine.

THE IMMIGRATION LAW.

The Secretary of State has sent a letter to Representative Washburn, of Illinois, Chairman of the Committee on Commerce, showing the necessity for the passage of the bill amendatory of the act to encourage immigration. The first section, placing restriction upon visiting passenger vessels in the port of New York, the Secretary explains, is to assure the emigrants of government protection, and caution them against the designs of sharpers. In the second section, the provision for a summary proceeding against persons illegally restraining immigrants on shipboard can only prevent abuses which usually remain uninvestigated on account of the transient stay of the wronged. It is stated that every passenger vessel arriving in New York since the establishment of the United States Emigrant office, without exception, has violated the passenger acts of 1855 and 1860. Other outrages have been committed. To remedy such abuses the Commissioner of Emigration is empowered to sue for penalties incurred, to initiate in any action all cases of proceeding against any one ship or vessel, to cause the testimony of witnesses to be taken before any commissioner of the United States, and to compound any such penalties. This is designed to prevent tedious suits and obtain speedy justice. The sixth section requires all emigrants to be paid to the superintendents and by them accounted for to the commissioner as the person in whose hands it is found advisable to concentrate all matters in which emigrants are interested. Another section makes it penal in masters and captains to bring criminals to the United States. An exemplary penalty is inserted to prevent collusion between masters of vessels and criminals. The twelfth section requires a survey of passenger ships by naval surveyors, and the issue of licenses authorizing the number of passengers, the crew, and the amount of provisions, to be made in accordance with the regulations of the United States Emigrant office. The establishment of emigrant offices is contemplated at Boston, New Orleans, San Francisco, Baltimore and Philadelphia, with superintendents at each, excepting that the two last named ports are placed under one superintendent. The necessity of such offices as to each of these points is fully canvassed. With reference to New Orleans, it is stated that six millions of acres of public lands invite emigrants to Louisiana.

CONFIRMATIONS BY THE SENATE.

The Senate has confirmed the following named brigadier generals to be major generals by brevet: Thomas H. Nelson, Benjamin J. Sponsler, Morgan H. Chrysler and Martin T. McMahon.

THIRTY-NINTH CONGRESS.

First Session.

SENATE.

WASHINGTON, April 11, 1866.

RAILROADS TO CONNECT HALIFAX WITH THE UNITED STATES.

Mr. SUMNER, (rep. of Mass.), presented a petition asking for Congressional aid for the building of a European and North American railroad to connect Halifax with the United States.

The petition was referred to the Committee on Foreign Affairs.

PROTECTION OF AMERICAN INDUSTRY.

Mr. SUMNER, (rep. of Ohio), presented petitions for protection of American industry; which were referred to the Finance Committee.

RELIEF OF ARMY OFFICERS.

Mr. CLARK, (rep. of N. H.), from the Judiciary Committee, to whom a bill was referred, reported a bill to amend an act to protect army officers from liability to the civil courts for acts done in the performance of military duty, which was read twice and passed.

EDUCATION OF SOLDIERS.

Mr. SUMNER, (rep. of Mass.), presented a bill to direct to consider the expediency of providing a system of education for the soldiers in the army of the United States, which was read twice and passed.

WESTERN PACIFIC RAILROAD.

Mr. CONYER, (rep. of Cal.), introduced a joint resolution to extend the time for the completion of the first twenty miles of the Western Pacific Railroad to November next, which was referred to the Committee on the Pacific Railroad.

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